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ATTORNEY FOR APPELLANT:

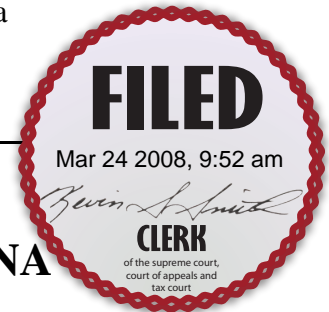
TIMOTHY J. BURNS
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

MARJORIE LAWYER-SMITH
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**



PRESTON WOODS,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A04-0708-CR-491

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Linda E. Brown, Judge
Cause No. 49G10-0705-CM-96184

March 24, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Preston Woods appeals his conviction for class A misdemeanor battery, claiming that the State failed to rebut his claim of self-defense.¹ We affirm.

In reviewing a claim of insufficient evidence, we neither reweigh the evidence nor judge the credibility of the witnesses. *Grim v. State*, 797 N.E.2d 825, 830 (Ind. Ct. App. 2003). Instead, we look to the evidence most favorable to the judgment and the reasonable inferences therefrom. *Id.* We will affirm if there is probative evidence from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Id.*

To convict Woods of class A misdemeanor battery, the State had to prove beyond a reasonable doubt that he knowingly touched another person in a rude, insolent, or angry manner, which resulted in bodily injury. *See* Ind. Code § 35-42-2-1. However, “[a] person is justified in using reasonable force against another person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force.” Ind. Code § 35-41-3-2(a). To prevail on a claim of self-defense, the defendant must show that he or she was in a place where the defendant had a right to be, did not provoke, instigate, or participate willingly in the violence, and had a reasonable fear of death or great bodily harm. *Pinkston v. State*, 821 N.E.2d 830, 842 (Ind. Ct. App. 2004), *trans. denied*, (2005). A person is not justified in using force if “the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.” Ind. Code § 35-41-3-2(e)(3). When a claim of self-defense is raised, the State must disprove at least one of the elements of self-

¹ We observe that the abstract of judgment included in the appellant’s brief is from a different case.

defense beyond a reasonable doubt. *Brooks v. State*, 683 N.E.2d 574, 577 (Ind. 1997) (citing *Jordan v. State*, 656 N.E.2d 816, 817 (Ind. 1995)). If a defendant is convicted despite his claim of self-defense, we will reverse only if no reasonable person could say that self-defense was negated by the State beyond a reasonable doubt. *Taylor v. State*, 710 N.E.2d 921, 924 (Ind. 1999).

Here, the evidence most favorable to the judgment shows that Woods returned to his Indianapolis home for lunch. Woods' mother-in-law, Angela Griffie, testified that she was in her bedroom when she heard Woods arguing loudly with Griffie's daughter, Sarah, and Woods' wife, Jacquelyn (also Griffie's daughter), in the kitchen. Griffie went to the kitchen to intervene. Sarah threatened to throw a rib-bone at Woods, and Griffie told her to "shut up." Tr. at 10. Griffie stepped in between Sarah and Woods because she was afraid that Woods might hit Sarah. Griffie and Woods yelled at each other. Griffie thought that Woods was going to hit her. Griffie was afraid because Woods had bitten her before. She picked up a can and threw it at him. Woods advanced toward Griffie with his fist or arm up, and Griffie "tried to defend herself." *Id.* at 16. They began to scuffle. Woods pushed Griffie and her daughter back against the door, and Griffie put her arm up scratching Woods' face. Woods bit the pinky finger on Griffie's right hand. Griffie ran out of the kitchen and down the hall, and Woods threw cans at her. Griffie's finger was bleeding, and she went to the hospital where x-rays were taken, and she received antibiotics for her finger.

Mindful that it is not within our province to re-weigh the evidence or judge the credibility of witnesses, and given that we consider only the evidence that supports the judgment, we conclude that a reasonable person could say that Woods' self-defense claim

was negated by the State.

Affirmed.

BAILEY, J., and NAJAM, J., concur.